

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW HAMPSHIRE

CARL ALEXANDER COHEN,

Plaintiff,

v.

BOSTON SCIENTIFIC CORPORATION D/B/A
AMERICAN MEDICAL SYSTEMS, REPUBLIC
SURGICAL MEDWORX, INC., (MISNAMED),
ALEX MUCHATI, JOHN DOES 1-10, AND JOHN
DOE ENTITIES 11-20. ,

Docket No. 1:20-CV-00943-PB

Defendants.

**DEFENDANTS MEDWORX, INC.'S, REPUBLIC SURGICAL, INC. AND
ALEX MOUCHAIT'S INITIAL DISCLOSURES PURSUANT TO FED. R.
CIV. P. 26(A)(1)**

Pursuant to Fed. R. Civ. P. 26(a)(1), the defendants, Medworx, Inc. Republic Surgical, Inc. and Alex Mouchati, make the following initial disclosures. By disclosing the information and documents described herein, the defendants do not waive any grounds to object to the discoverability or admissibility of any document, and specifically reserve their rights to object on any grounds to their production and/or admission into evidence. Moreover, by making these disclosures, the defendants do not represent that they are identifying every individual, document, or tangible thing upon which they may rely to support their claims or defenses. Rather, the defendants disclosures represent their good faith effort to identify information as required by Fed. R. Civ. P. 26(a)(1).

I. INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION (RULE 26(a)(1)(i))

The following individuals are likely to have discoverable information that the defendants may use to support their claims and defenses:

1. The plaintiff, Carl Alexander Cohen. Mr. Cohen will have information about the medical procedure at issue in this litigation and his alleged injuries as a result of that procedure.

2. Members of the medical team that participated in the procedure at issue including but not limited to Dr. Shilpa Lamba, 10 Members Way, Suite 402, Dover, New Hampshire 03820.

These individuals will have information about the medical procedure at issue in this case.

3. Representatives from Boston Scientific Corporation, represented by Faege Drinker Biddle & Reath LLP, 801 Grand Avenue, 33rd Floor, Des Moines, IA 50309 and Bernstein Shur Law Firm, 670 North Commercial Street, Ste. 108, P.O. Box 1120, Manchester, NH 03105. These individuals will have information regarding the device used during the procedure in question.

4. Any person disclosed by another party to this action

5. Expert witnesses to be disclosed in accordance with Fed. R. Civ. P. 26(a)(2)

II. DESCRIPTION AND LOCATION OF DOCUMENTS AND THINGS IN THE POSSESSION, CUSTODY, OR CONTROL OF DEFENDANT THAT IT MAY USE TO SUPPORT ITS DEFENSES (RULE 26(a)(1)(ii))

1. Contract for services with Wentworth-Douglas Hospital

2. Food and Drug Administration Pre-Market Approval documents

3. The laser device used during the plaintiff's procedure

4. Maintenance records and manual(s)

5. BSI Mobile Provider Service Agreement(s) and addenda.

III. COMPUTATION OF DAMAGES (RULE 26(a)(1)(iii))

The defendant is not claiming any damages against the plaintiffs in this matter.

IV. INSURANCE AGREEMENT (RULE 26(a)(1)(iv))

Republic Surgical, Inc. and Medworx, Inc. are named insured's on a general liability policy issued by Evanston Insurance Company (Policy Number MKLV1PPD000259). A copy of the policy's declaration's page has been provided to all parties. The defendants make no affirmation of coverage.

Respectfully submitted,

REPUBLIC SURGICAL, INC, MEDWORX,
INC, AND ALEXANDRE MOUCHATI

By Its Attorneys,

MORRISON MAHONEY LLP

By /s/ William Joseph Flanagan
William Joseph Flanagan, #17287
jflanagan@morrisonmahoney.com
250 Summer Street
Boston, MA 02210-1181
Phone: 617-439-7500
Fax: 617-342-4887

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on the following persons on this date in the manner specified herein:

Electronically Served:

Edward J. Sackman, NH Bar No. 19586
Berstein, Shur, Sawyer and Nelson, P.A.
Jefferson Mill Building
670 North Commercial Street, Ste. 108
P.O. Box 1120
Manchester, NH 03105

Telephone: (603) 623-8700
Email: NSackman@BersteinShur.com

Benjamin R. Novotny
Trial Lawyers for Justice
421 W. Water Street, 3rd Floor
Decorah, IA 52101
Phone: (563) 382-5071
Email: Ben@TL4J.com

Alfred T. Catalfo, III, Esq.
Catalfo Law, PLLC
466 Central Avenue, Ste. 2
P.O. Box 869
Dover, NH 03821
Phone: (603) 742-7558
Email: CatalfoLaw@gmail.com

December 18, 2020

/s/ William Joseph Flanagan
William Joseph Flanagan, #17287